



# Agenda

CITY CLERK'S OFFICE

DATE 2-1-10 TIME 2:25

SERVED BY Suzanne G. G. G.

RECEIVED BY [Signature]

## AMENDED

### PLANNING COMMISSION

February 4, 2010 – 6:00 P.M.

CITY COUNCIL CHAMBERS

- A. ROLL CALL
- B. PLEDGE OF ALLEGIANCE
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

MINUTES: January 7, 2010

FINDINGS/CONCLUSIONS

Case #2009-63. Santa Fe Chevrolet Development Plan Amendment and Sign Plan Variance.

- E. OLD BUSINESS
- F. NEW BUSINESS

1. Case #2009-76. **Lipscomb Lot Split.** Jennifer Jenkins, Jenkins Gavin Design & Development Inc., agent for Steven Lipscomb, requests plat approval to divide 10.5 acres into two tracts. The property is located at 3823 Old Santa Fe Trail and is zoned R-1 (Residential, one dwelling unit per acre). (Tamara Baer, Case Manager) **(POSTPONED FROM JANUARY 28, 2010 DUE TO MEETING CANCELLATION)**
2. Case #2009-91. **Trust for Public Land Lot Split.** Scott Yager, Yager Land Surveys, agent, for Trust for Public Land, requests plat approval to divide 12.33 acres into two tracts. The property is located at 3823 Old Santa Fe Trail and is zoned R-1 (Residential, one dwelling unit per acre). (Tamara Baer, Case Manager) **(POSTPONED FROM JANUARY 28, 2010 DUE TO MEETING CANCELLATION)**
3. Case #2009-93. **Esplanade Village Final Subdivision Plat.** JenkinsGavin Design and Development Inc., agent for Esplanade Development LLC, requests final subdivision plat approval for 9 commercial lots on 6.903± acres located at the intersection of Airport Road and Paseo del Sol within the Presumptive City Limits and within Phase 2 of the City-initiated annexation. The property is zoned SC-1 (Planned Shopping Center). (Donna Wynant, case manager)
4. Case #2009-94. **Esplanade Village Final Development Plan.** JenkinsGavin Design and Development Inc., agent for Esplanade Development LLC, requests final development plan approval for 9 commercial lots on 6.903± acres located at the intersection of Airport Road and Paseo del Sol within the Presumptive City Limits and within Phase 2 of the City-initiated annexation. The property is zoned SC-1 (Planned Shopping Center). (Donna Wynant, case manager)

**5. Case #2009-97. Tierra Contenta Phase 2C Revised Final Plat and Dedication Plat.**

David Thomas, agent for Tierra Contenta Corporation, requests final plat approval for 61.37± acres, consisting of 6 tracts for development totaling 32.73± acres, open space tracts totaling 24.89 acres, and road rights-of-way totaling 3.75± acres. This application includes variances to disturbance of slopes steeper than 30% and earthwork cut and fill slopes greater than 15 feet in height. The site is located on the west end of Tierra Contenta Master Plan Community, adjacent to NM 599, and is zoned PRC (Planned Residential Community). (Dan Esquibel, case manager)

**G. BUSINESS FROM THE FLOOR****H. STAFF COMMUNICATIONS****I. MATTERS FROM THE COMMISSION****J. ADJOURNMENT****NOTES:**

- 1) Procedures in front of the Planning Commission are governed by the City of Santa Fe Rules & Procedures for City Committees, adopted by resolution of the Governing Body of the City of Santa Fe, as the same may be amended from time to time (Committee Rules), and by Roberts Rules of Order (Roberts Rules). In the event of a conflict between the Committee Rules and Roberts Rules, the Committee Rules control.
- 2) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting “quasi-judicial” hearings. By law, any contact of Planning Commission members by applicants, interested parties or the general public concerning any development review application pending before the Commission, except by public testimony at Planning Commission meetings, is generally prohibited. In “quasi-judicial” hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross examination. Witnesses have the right to have an attorney present at the hearing.
- 3) The agenda is subject to change at the discretion of the Planning Commission.  
**\*Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the City Clerk’s Office (955-6520) 5 days prior to the hearing date.**



# Agenda

CITY CLERK'S OFFICE

DATE 1/13/2010 TIME 4:35 PM

SERVED BY Geraldine Gualdo

RECEIVED BY [Signature]

## **PLANNING COMMISSION**

**February 4, 2010 – 6:00 P.M.**

**CITY COUNCIL CHAMBERS**

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA**
- D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**

**MINUTES: January 7, 2010**

**FINDINGS/CONCLUSIONS**

**Case #2009-63. Santa Fe Chevrolet Development Plan Amendment and Sign Plan Variance.**

- E. OLD BUSINESS**
- F. NEW BUSINESS**

1. **Case #2009-93. Esplanade Village Final Subdivision Plat.** JenkinsGavin Design and Development Inc., agent for Esplanade Development LLC, requests final subdivision plat approval for 9 commercial lots on 6.903± acres located at the intersection of Airport Road and Paseo del Sol within the Presumptive City Limits and within Phase 2 of the City-initiated annexation. The property is zoned SC-1 (Planned Shopping Center). (Donna Wynant, case manager)
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3. **Case #2009-97. Tierra Contenta Phase 2C Revised Final Plat and Dedication Plat.** David Thomas, agent for Tierra Contenta Corporation, requests final plat approval for 61.37± acres, consisting of 6 tracts for development totaling 32.73± acres, open space tracts totaling 24.89 acres, and road rights-of-way totaling 3.75± acres. This application includes variances to disturbance of slopes steeper than 30% and earthwork cut and fill slopes greater than 15 feet in height. The site is located on the west end of Tierra Contenta Master Plan Community, adjacent to NM 599, and is zoned PRC (Planned Residential Community). (Dan Esquibel, case manager)

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**I. MATTERS FROM THE COMMISSION**

**J. ADJOURNMENT**

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Index Summary of Minutes  
Santa Fe Planning Commission  
February 4, 2010

INDEX	ACTION TAKEN	PAGE(S)
Call to Order	John Salazar, Chair called meeting to order at 6pm, City Council Chambers, Santa Fe	1
Roll Call	A quorum was declared by roll call, 2 absences.	1
Pledge of Allegiance	Pledge of Allegiance was led by Commissioner Hughes	1
Approval of Agenda	Staff asked permission to hear the first two cases together. The Chair approved the agenda as presented.	1
Review and Approval of Minutes January 17, 2010	Commissioner Lindell moved to approve the minutes of January 17, 2010 as presented, second by Commissioner Mier, motion carried by unanimous voice vote.	1-2
Findings and Conclusions <u>Case #2009-63.</u> Santa Fe Chevrolet Development Plan Amendment and Sign Plan Variance.	<b>Commissioner Mier moved to approve Case #2009-63 as presented, second by Commissioner Armijo, motion carried by unanimous voice vote.</b>	
Old Business	<i>Informational</i>	
New Business 1. <b><u>Case #2009-76.</u></b> <b>Lipscomb Lot Split.</b> Jennifer Jenkins, JenkinsGavin Design & Development Inc., agent for Steven Lipscomb, requests plat approval to divide 10.5 acres into	Commissioner Hughes moved for approval of Case #2009-76 with staff exceptions, second by Commissioner Vigil, motion carried by unanimous voice vote.	2-14

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Santa Fe Planning Commission  
February 4, 2010

<p>two tracts. The property is located at 3823 Old Santa Fe Trail and is zoned R-1 (Residential, one dwelling unit per acre). (Tamara Baer, Case Manager)</p>		
<p>2. <b><u>Case #2009-91. Trust for Public Land Lot Split.</u></b> Scott Yager, Yager Land Surveys, agent, for Trust for Public Land, requests plat approval to divide 12.33 acres into two tracts. The property is located at 3823 Old Santa Fe Trail and is zoned R-1 (Residential, one dwelling unit per acre). (Tamara Baer, Case Manager)</p>	<p>Commissioner Hughes moved for approval of Case #2009-91 with staff exceptions, second by Commissioner Vigil, motion carried by unanimous voice vote.</p> <p>Both cases heard together:</p> <p>Commissioner Armijo recues himself from this case as it was heard before the Summary Committee.</p>	
<p>3. <b><u>Case #2009-93. Esplande Village Final Subdivision Plat.</u></b> JenkinsGavin Design and Development Inc., agent for Esplande Development LLC, requests final subdivision plat approval for 9 commercial lots on 6.903± acres located at the intersection of Airport Road and Paseo del Sol within the Presumptive City Limits and within Phase 2 of the City-initiated annexation. The property is zoned SC-1</p>	<p>Commissioner Mier moved to approve Case #2009-93. Esplande Village Final Subdivision Plat the 2 – not the gate with staff recommendations, Commissioner Lindell second the motion. Motion carried by unanimous voice vote. 1 Opposition: Commissioner Hughes</p>	

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February 4, 2010

<p>(Planned Shopping Center). (Donna Wynant, Case Manager)</p>		
<p>4. <b><u>Case #2009-94. Esplande Village Final Subdivision Plan.</u></b> JenkinsGavin Design and Development Inc., agent for Esplande Development LLC, requests final development plan approval for 9 commercial lots on 6.903± acres located at the intersection of Airport Road and Paseo del Sol within the Presumptive City Limits and within Phase 2 of the City-initiated annexation. The property is zoned SC-1 (Planned Shopping Center). (Donna Wynant, case manager)</p>	<p>Commissioner Mier moved to approve with staff conditions, second by Commissioner Lindell, motion carried by unanimous voice vote. 1 Opposition: Commissioner Hughes.</p>	
<p>5. <b><u>Case #2009-97. Tierra Contenta Phase 2C Revised Final Plat and Dedication Plat.</u></b> David Thomas, agent for Tierra Contenta Corporation, requests final plat approval for 61.37± acres, consisting of 6 tracts for development totaling 32.73± acres, open space tracts totaling 24.89 acres, and road rights-of-way totaling</p>	<p>(Tamara Baer): I need to start with a disclaimer. I am on the Board of Directors at Tierra Contenta. We did not discuss at the Board and it did not influence my decision.</p> <p>Commissioner Mier I move that we table <u>Case #2009-97. Tierra Contenta Phase 2C Revised Final Plat and Dedication Plat</u> until next months agenda, second by</p>	

Index Summary of Minutes  
Santa Fe Planning Commission  
February 4, 2010

3.75± acres. This application includes variances to disturbance of slopes steeper than 30% and earthwork cut and fill slopes greater than 15 feet in height. The site is located on the west end of Tierra Contenta Master Plan Community, adjacent to NM 599, and is zoned PRC (Planned Residential Community). (Dan Esquibel, case manager).	Commissioner Hughes, motion carried by unanimous voice vote.  Objections: Commissioner Armijo – No Commissioner Bordegaray - No	
Business from the Floor	None	14
Staff Communications	Looking for a venue for March 4 <sup>th</sup> meeting, possibly the Convention Center	
Matters from the Commission	Internal administrative comments for staff.	14-15
Adjournment and Signature Page	There being no further business to come before the Planning Commission, Commissioner Hughes moved for adjournment at 9:00 pm, second by Commissioner Armijo, Motion carried by unanimous voice vote.	15



**PLANNING COMMISSION**  
**February 4, 2010 – 6:00 P.M. – 9:00 P.M.**  
**CITY COUNCIL CHAMBERS**

**MINUTES**

**A. ROLL CALL**

**In Attendance:**

**John Salazar, Chair**  
**Signe Lindell, Vice Chair**  
**Bonifacio Armijo**  
**Angela Schackel Bordegaray**  
**Ken Hughes**  
**Mike Mier**  
**Dolores Vigil**

**Absent/Excused:**

**Estevan Gonzales**  
**Reuben Montes**

**Others Present:**

**Kelley Brennan, City Attorney**  
**Tamara Baer, City Planner**  
**Donna Wynant, Case Manager**  
**John Romero, City Engineer**

**Fran Lucero, Stenographer**

**B. PLEDGE OF ALLEGIANCE**

**The Pledge was led by Commissioner Hughes.**

**C. APPROVAL OF AGENDA**

**Changes from Staff: None**

**Permission requested from staff to discuss the first two cases together.**

*Commissioner Mier moved to approve the agenda as presented and noted, second by Commissioner Armijo, motion carried by unanimous voice vote.*

**D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**

**January 17, 2010**

*Commissioner Lindell moved to approve the minutes of January 17, 2010 as presented, second by Commissioner Mier, motion carried by unanimous voice vote.*

**Findings and Conclusions:**

**Case #2009-63. Santa Fe Chevrolet Development Plan Amendment and Sign Plan Variance.**

*Commissioner Mier moved to approve Case #2009-63 as presented, second by Commissioner Armijo, motion carried by unanimous voice vote.*

## E. OLD BUSINESS

Commissioner Gonzales is not here this evening as he celebrates his sons first birthday.

## F. NEW BUSINESS

1. **Case #2009-76. Lipscomb Lot Split.** Jennifer Jenkins, JenkinsGavin Design & Development Inc., agent for Steven Lipscomb, requests plat approval to divide 10.5 acres into two tracts. The property is located at 3823 Old Santa Fe Trail and is zoned R-1 (Residential, one dwelling unit per acre). (Tamara Baer, Case Manager)
2. **Case #2009-91. Trust for Public Land Lot Split.** Scott Yager, Yager Land Surveys, agent, for Trust for Public Land, requests plat approval to divide 12.33 acres into two tracts. The property is located at 3823 Old Santa Fe Trail and is zoned R-1 (Residential, one dwelling unit per acre). (Tamara Baer, Case Manager)

Ms. Baer: Two pieces of additional correspondence have been distributed; the minutes from the Summary Committee and the second are letters of support from a number of people for this lot split.

There is some history from these projects, the land that is under consideration for the two lot splits was originally the Watson property and it was 22.83 acres. The Planning Commission heard the case for the subdivision plat for a project called Mira Sol. Subsequently the Planning Commission went on a field trip to visit the property and on August 20-2009 the Commission approved the preliminary subdivision plat. Following that there was never a submittal for a final subdivision plat but rather, the next thing that happened was that the City Council approved a resolution to accept donation of approximately 10 acres of land on the easterly portion of this property. That resolution was adopted on October 28, 2009. On December 18, 2009 a lot split plat was recorded that moved an existing lot line (graphic was presented to Commission). The lot alignment adjustment plat was recorded. After that that staff had some issues with part of the language on that lot line adjustment plat. They worked with the applicant to change some of that language and there is an amended lot line plat in the packet. The planning commission does not need to vote on it; it is handled administratively. It was included to assure the commission that the applicant met all the requirements from staff. The two lot split applications would put each of the two existing tracts in to two parcels. The Assistant City Attorney has reviewed the donation agreement on the conservation easement and various documents [Ms. Brennan to give update]. There was a question at the Summary Committee on whether or not this could or should be considered as a serial sub-division and staff does not believe that it constitutes a serial subdivision. There are already two lots of record, two new lots are being created and the preface of the lots, at least one of them, is for public benefit. There is no issue of timing, in terms of serial subdivision because these are both being brought forward at the same time and there is no intent to separate them in time.

Discussion on viewed plats dialogued by Ms. Baer. The Chair welcomed the audience to view after the presentation.

Pink: Shows the original configuration of the two new parcels on the Watson property. The lot line adjustment that has been recorded is the solid pink line. The new parcel

moves the dotted line and encompasses the former Watson residence and comes down and joins the tail. Between the recorded lot line adjustment and the line that is amended there are no changes in the lines whatsoever, just noted.

The next is the lot split plat application for the Lipscomb-Viscoli family trust. She described the lot line by the dark line separates track 1 and track 2, and she referred to one section that was not included in the discussion. This is a lot that was defined by lot line adjustment; the lot split application will divide it down the middle and more or less following the center line of the driveway.

The second lot split is for TPL and the dark line in green shows the lot split line. The actual lot is all of tract 2 encompasses tract 2 and tract 2B which is to be placed in the conservation easement.

Open for questions:

Commissioner Vigil questioned the lot line adjustment and wanted to know if it had been recorded.

Ms. Baer answered that it has been recorded, but they discussed with the TPL; the TPL represents the owners and will be the owners, of all of the identified property. The lot line adjustment just as shown has been recorded. Staff had a couple of problems with the notes and they have been addressed. An amended plat, which has not yet been recorded but will be; it will not affect the configuration of the lots or the lines whatsoever.

Commissioner Vigil asked if this was the reason they were not seeing it tonight. Ms. Baer stated that this is handled administratively.

Commissioner Vigil asked if they were seeing the recorded plat would it reflect the notes that may be recorded in the future. Ms. Baer confirmed that this was correct and directed the Commissioners to review the notes in their packets related to this item.

Ms. Baer stated that in the packets is the recorded lot line adjustments, a staff report (1/28/10) and she confirmed that everything explained is representative of this document.

Ms. Brennan: Understood clearly the anxiety expressed to make sure that we had the protection needed for guaranteed trail paths and the access to trails. To that end they worked on the language of the donation agreement and the conservation easement which will govern this transaction going forward. The TPL, the City and the Conservation Trust have agreed on the language. (Packet included excerpts from the agreement). It is believed that at the time of this meeting TPL was still the land owner; under the conservation easement agreement the city will become the land owner.

Ms. Brennan commented on the lot split; although the property with conservation easement will become two lots, essentially one lot with the conservation easements and the Watson property lot. This is more like the dedication of a public road or a property that creates two lots which is not a lot split. This is the dedication of a large piece of land to the city for conservation purposes with trails and a trail head and by creating the conservation easement lot we also created the lot of the Watson property.

Ms. Baer stated importantly that in the TPL lot split plat; she referred to the dark green line and shading that indicates two different areas; all of that is to be put in to the conservation easement. The lighter/larger areas are both for trails and open space. The smaller darker area, Area A is specifically set aside for trail head and public parking. Fabian Chavez from the Parks Department has reviewed this and supports it. What he did say is that although the city does not have the funds right now to construct the trail head and parking because of considerable engineering that will have to be done due to drainage that comes through there, he will do some minimal clearing and put a couple of posts to define the entrance to the area and make it accessible to the public immediately. Once the transactions are all finalized he could put up a sign that says, "This land is available for public access."

***Swearing In:***

***Agents: Jenny Parks, 26 Camino Silvestre, Santa Fe, NM***

***Jennifer Jenkins, JenkinsGavin Design and development Inc., 130 Grant Avenue, Suite 101, Santa Fe, New Mexico***

Ms. Parks: I am very happy to be here; about 4 months after the last time were here to talk about the Watson Property where we voiced support for Doug McDowell's project. We were in the process trying to acquire the land, and due to the incredible tenacity by a group of people, with us tonight, [recognized the Sun Mountain group]. Due to the incredible generosity of hundreds of donors throughout the county, cooperation of Doug McDowell, the generosity of Steve Lipscomb and Miranda Viscoli, the cooperation of city staff and the work of the Planning Commission, we are here happily to dedicate 11 acres of public space to the City of Santa Fe. This space will provide guaranteed open space at Sun Mountain and will create two lots that will be built on the Lipscomb property. Very different scenario than the original plan. Thank you.

Jennifer Jenkins: Representing Steve Lipscomb and Miranda Viscoli. It is a happy occasion tonight, I am here to specifically address tract 1. This is the lot split for the 10 1/2 acre portion of the property that is being transferred to Mr. Lipscomb. You can see that we are creating two 5 acre parcels and pursuant to Mr. Lipscomb's agreement with the TPL only one dwelling will be permissible on each of those lots in perpetuity, forever. 80% of that 10 1/2 acres is being granted into conservation. In addition to that we have another 8 1/2 acres that is also going to be put to the conservation easement in perpetuity. Before we were talking about 13 homes with significant open space, now we are talking about 2 and they are on the lower elevations of the site. Mostly likely they will not be visible at all. This is a wonderful solution for this property that is near and dear to the community. Thank you for your time and we stand for questions.

**Public Hearing:**

None

Commissioner Hughes: Tract 1B house, almost all of that is in the foothills ordinance, is it going to be recorded with the foothills protection ordinance?

Ms. Baer responded that this is something that is checked at the time a building permit is applied for. Ms. Blackwell can address in detail; there is no prohibition clause on building in the foothills.

Wendy Blackwell: Before we record the plat we need to make sure that the escarpment overlay district is shown.

Commissioner Hughes asked when the original 12 lots were up there; which lot would this be; lots 11 and/or 12.

Jennifer Jenkins: Added clarity that Lot 12 which was the lot that much concern was expressed is part of the conservation land going to the city.

***Commissioner Hughes moved for approval of Case #2009-76 with staff exceptions, second by Commissioner Vigil, motion carried by unanimous voice vote.***

***Commissioner Hughes moved for approval of Case #2009-91 with standard staff conditions, second by Commissioner Vigil.***

***Discussion:***

***Both cases heard together: Commissioner Armijo recues himself from this case as it was heard before the Summary Committee, and the subcommittee chose to send it to the Planning Commission. He did recue himself from the Sun Mountain case as well.***

**Discussion:**

Commissioner Bordegaray: Based on the comments made by staff from the Parks Director in reference to the trail head; I understand the complexity of engineering and what is required, what is the immediate action planned by the Parks Department.

Ms. Baer: Fabian Chavez has stated that he will remove the wire fence and do some clearing and grubbing and put up the posts and signage where the trail starts. Existing trails start a little bit higher up to the East. I believe his primary focus in the beginning is to clarify where the trail might start off of Old Santa Fe Trail.

Commissioner Bordegaray: Meaning that the access will be changed coming off of Old Santa Fe Trail?

Ms. Baer: The point of entry they were talking about is the area they refer to as the tail piece, it is not the current entry. Currently people walk about the drive-way, but the entrance that would be to the land which is in the conservation easement would be in the long narrow part on the southern portion and that is where the markers would be guiding people to enter.

Commissioner Bordegaray: Was the actual strip we are talking about already an easement?

Ms. Baer: It was actually an easement at one point to the back walk by the current Lipscomb house and that access is being changed now to access a dedicated driveway to

a utility easement off of the current driveway that is being created by these plats. While there were some trails on that property it was always private property, there was never a dedicated easement for public access or trail. There are some footpaths that are in question on that land, most of the primary footpaths in the trail are not accessed through the Old Santa Fe Trail but it is accessed through some other private property. So most of the people that were accessing the Santa Fe open space through the Watson property, most of them were taking the driveway and that will change.

Commissioner Bordegaray asked if she was familiar with the property in question; this is why I asked where the entry would be; under the trees or through the fence as she was just there. Is that the same entry point measured?

Wendy Blackwell: Stated that it might be possible Commissioner Bordegaray would be referring to the area under the Mirasol application, they proposed putting the public trail entrance there and referred to it as the finger on the southern boundary of the property. She referred to the drawing and pointed out the foot path half way up the finger, which is where it is, you can't get to it. It will need to be cleaned up.

Commissioner Bordegaray: I don't know if I was on the finger or not, I thought the trail goes into the finger, but maybe it goes up.

**Swearing In: Steven Post, 3924 Old Santa Fe Trail, Santa Fe, NM**

Mr. Post stated that he has hiked the area a lot in the last few months. If Mr. Chavez would go out to the site (made reference to the shopping cart and the arroyo) to the south of the shopping cart and the arroyo there is a large elm tree and referred to the open space. The trail access will be very visible once the tree and fence is removed. Mr. Post made reference on the drawing to the well defined trail access in another area at this moment. It crosses the arroyo and makes its way beyond the finger.

Commissioner Bordegaray: Previously did that trail go into another property?

Mr. Post: Currently the trail cuts up here and meets up with the Phillips driveway to the South. That is how people get around the fence. Intent is to get away from the Phillips driveway for access.

Commissioner Bordegaray complimented this whole process and wants to see this be very accessible. She wants to see the access be done legally and not trespassing.

Ms. Baer stated that it is Mr. Chavez' plan once this case is approved to open up the access, clear a pathway, mark the area with the posts, clean up and add signage to this area.

**Swearing In: Peter Ives, Senior Council for the Trust for Public Lands Office**

Mr. Ives has been employed by the TPL in Santa Fe for about 12 years. Trying to address the question that you asked our proponent, we asked Scott Yager, Surveyor to do a blow up of that leg of the property. [He distributed a blow up of the property]. He believes Fabian's intentions would be to take down two sections of the fence and put in 2 posts, it should be an accessible spot once the clearing is done as proposed.

Commissioner Bordegaray expressed her thanks.

Commissioner Mier asked how will the general public become aware of this donation and the availability and where will they park?

Ms. Baer said that Fabian Chavez will put up a sign. There are some concerns about the parking as it currently exists on Old Santa Fe Trail. People will pull off and generally be safe, but until the parking is constructed, the city is not making any provisions for the right-of-way. Other than the sign and the publicity in the newspapers, that is the way the public will be advised.

Commissioner Mier asked if Fabian could come before the Commission and show photographs of the before and after. Ms. Baer responded, yes.

Chair Salazar applauded everyone for the work that they have done on this project. "I am happy to see that it will be limited to a few houses and people in Santa Fe will have access to Sun Mountain, I wish everything ended this well".

*Commissioner Hughes moved for approval of Case #2009-91 with standard staff conditions, second by Commissioner Vigil, motion carried by unanimous voice vote.*

*5 minute recess:*

*Chair called the meeting back to order.*

3. **Case #2009-93. Esplande Village Final Subdivision Plat.** JenkinsGavin Design and Development Inc., agent for Esplande Development LLC, requests final subdivision plat approval for 9 commercial lots on 6.903± acres located at the intersection of Airport Road and Paseo del Sol within the Presumptive City Limits and within Phase 2 of the City-initiated annexation. The property is zoned SC-1 (Planned Shopping Center). (Donna Wynant, case manager)

Final subdivision plat for a commercial subdivision and you have seen the preliminary subdivision plat and approved it on December 3, 2009. There is a final subdivision plat and final development plan for the commission's consideration. Request is to vote separately on these cases and include the staff conditions. There are 9 commercial lots 6.903. ± Acres, as you will recall this is a master plan approved by EZA on November 29, 2007. When it came under city jurisdiction with SPAZO at the end of last year, a majority of the infrastructure had been completed for the overall site. The applicant came in and requested a lot split at Summary Committee and that was approved on November 5, 2009. The request was for two tracts in order to identify Auto Zone tract for their purchase. The property is currently divided in to two tracts, one at 5.238 acres and the smaller for Auto Zone at 1.6 acres. The final subdivision plat that has been presented is consistent with the preliminary subdivision plat and complies with the conditions of approval for final development plan.

The commission asked for 2 additional conditions that staff followed up on:

- 1) Provide shade to the seating area adjacent to the bus stop. The applicant has agreed to enhance the landscape development in that area and to provide two covered structures to comply with their architectural design.

- 2) It was asked that the applicant speak to the Country Club Gardens mobile home park about pedestrian connections between that park and Esplanade Village to their community. There was also a request that staff see if we could find any information regarding crime statistics and mixed use commercial development adjacent to residential development that is related to the pedestrian connection. Staff met with the applicant and we have identified two possible locations where we believe there might be an opportunity for a connection to the mobile home park. The applicant will address their remarks this evening and residents of the Country Club Gardens are here to speak.

There is a reciprocal parking agreement that will be included and have been submitted to the city for review. I would also call your attention to requirements by Mr. Stan Holland, the Waste Water Engineer who has stated that he wants to make sure that the private sewer was noted on the plat and that the connections to the city sewer are worked out through him before recordation. The applicant has been in contact with Mr. Holland and they will all be worked out before recordation.

*Staff recommends approval of the subdivision and the development plan.*

*Jennifer Jenkins, JenkinsGavin Design and development Inc., 130 Grant Avenue, Suite 101, Santa Fe, New Mexico*

On behalf of Esplanade subdivision, we are in agreement with all staff conditions. One of the things is that we will provide shaded area. We also did take some time to study the pedestrian connection at Country Club Gardens. This was already an approved project through the Extra-Territorial Zoning process. This project was extensively reviewed from a master plan, a preliminary development plan and a master plan amendment. The condition to provide a 7 foot wall along the north boundary was a part of that review which the city of Santa Fe took an active part in. That being said, her client expresses his willingness to cooperate and create a pedestrian connection.

The area where the red arrow is indicated is the safest and only reasonable pedestrian connection. This is because Country Club Gardens has a roadway that travels along our common boundary; it would not be safe to make an opening in an existing wall where they would be dumped into a roadway without refuge. Another location in addition to the one discussed that we thought would be viable is behind Auto Zone. There is a little bit of refuge there where the road curves that we thought would be viable but it isn't a good area as it is a loading zone. City code prohibits pedestrian connections at loading zone, it would not be sage.

Further analysis, what would it take for a pedestrian to walk from various areas within the Country Club Gardens community and access the project. There is a driveway that accesses Country Club Gardens to the right and that is their access into their community that does have sidewalks. Very near adjacent to that area is a sidewalk that leads from Airport Road to the center.

(Overhead presentation) She showed an area for storage for RV's, this is someone's home so we need to be careful about impeding in that area. She showed the area's where existing sidewalk is. Country Club Gardens has a very unique wheel alignment,



she described walking routes there is no straight shot. In the proposed route there is 2 tenths of a mile difference. If you are a walker having this entry is not going to make you more or a walker. We looked at it from ripping out of an existing wall that was built in accordance with the applicant, based on the previous EZZ approvals. Stands for questions.

**Public Hearing:**

**Swearing in: Connie Martinez, 6151 Airport Road, and Husband: Robert – Managers at the Community, and have been doing that for over 30 years. We are representing Owner, Mr. Jeff Johnston**

Mr. Johnston is opposed to a pedestrian gate between our community and Esplanade Village, mainly for security reasons. It just is not feasible in order to do that if we want to remain as a safe community for our residents. He is not comfortable with the idea of having access on availability for 24 hr-7 day access into our community through their development. As some of you may or may not know, we have had in place a security gate since 1996 to deter non-residents and outsiders to have access into our community at all times. A walk thru gate as being proposed will take away from the security of our community. We currently have a 6 foot fence around the parameter consisting of chain link and cedar fencing to deter others from entering the community. None the less we have encountered problems, from the neighboring subdivisions to include Fairway Village, Campos Lindos and the Tierra Rael subdivision where access is being gained into our community by cutting down the chain link fence, breaking down pickets and other problems that we deal with on a case by case situation. It has become an issue in criminal activity in our community. Our entrance and exit on to Airport Road provides sidewalks for pedestrian use into and out of our community. The distance from our entrance to Esplanade is about 450 feet and the residents welcome this project. Our owners only request that there be a block wall to serve as a buffer for security. Why would we want to create an entry now, thank you?

***Close Public Hearing:***

Commissioner Mier: During the conversations that occurred prior to this possibility of having an opening in the wall, I think the intent from this commission was to benefit the residents of this area and to give your residents access into this community. I fully understand where you are coming from and having served on the EZC I know that the intent was to protect your community when we discussed the brick wall. I fully support your request and I don't think it is necessary based on the conversation and the testimony this evening.

Commissioner Hughes: Ms. Martinez, thank you for your testimony. I wasn't clear when you say that there are walkways to get in and out now?

Ms. Martinez responded that they have a secured gate and entrance into the community and a code is required for walk-thru and drive-thru.

Commissioner Hughes: What if they put a gate with a code where the wall is?

Ms. Martinez: I think it would still be too close to the neighbors, we don't welcome it. A location of a gate in that area would not be acceptable.

Commissioner Hughes: Am I hearing you say that it would be an inconvenience to the people?

Commissioner Armijo: Was a survey conducted with the residents, is this coming from the owners or the residents themselves?

Ms. Martinez: We had meetings with the residents and Ms. Jenkins. As Managers it is our responsibility to maintain a safe and secure area for our residents and we speak on their behalf. I can only imagine if you took a survey with the majority of those residents affected in that immediate area, they would not be happy.

Commissioner Armijo: So you are saying that no residents were contacted?

Ms. Martinez: That is correct, no residents were contacted.

Commissioner Bordegaray: I agree with Commissioner Miers assessment in that the intent of the Planning Commission was to make it accessible for the residents not the other way around. I concur with Commissioner Armijo's question on notification of the residents. I want to respond to something that your capable agent said and I am going to challenge you as a Planner, I wouldn't be doing my job if I didn't ask this. You stated that to put an access there wouldn't make much of a difference because people could still walk around. The point of all this is that security is always important, but if people have more options they will exercise them which means they will actually exercise more and walk to the store. That is why those of us who believe in walking communities, this is an example of how to tweak that and that being said this case stands on its own merits, but I wanted to make that statement.

Chair Salazar: What were the neighbors concerns from County Club Gardens?

Jennifer Jenkins: The wall has been in the mix since this area was master planned, questions were traffic; they felt good about the signalization, they wanted to know what types of businesses were planned. The access really didn't come up because they knew that the wall was there. I did express to the neighbors that the intent was to make it pedestrian friendly. We hope that as the center is developed that people will walk. We got a lot of feedback as to the walk-ability. There wasn't a huge turnout of people from the Country Club Gardens, maybe 3 or 4. There were only about a dozen of people at the meeting.

Commissioner Armijo asked Ms. Martinez; "since you do have a gate with a pedestrian code, why is it more of an issue if it was an entrance with a private code and it was placed in the area discussed?"

Ms. Martinez answered that they have one available access to come in and out and if they started adding gates in different areas they would have to be constantly monitoring and securing the area. It would be another area they have to control.

Commissioner Armijo asked if there are security cameras in their community. Ms. Martinez answered, no. She stated that they do have on site management, but no cameras.

Commissioner Mier commented that Ms. Martinez did an excellent job in responding. He said that if they limit the number of access points, it makes sense to him.

*Commissioner Mier moved to approve Case #2009-93. Esplande Village Final Subdivision Plat with the understanding that approval is only for the 2 covered structures, not recommending that the entrance in the wall be proceeded with, and all staff recommendations, Commissioner Lindell second the motion. Motion carried by unanimous voice vote. 1 - Opposition: Commissioner Hughes*

4. **Case #2009-94. Esplande Village Final Subdivision Plan.** JenkinsGavin Design and Development Inc., agent for Esplande Development LLC, requests final development plan approval for 9 commercial lots on 6.903± acres located at the intersection of Airport Road and Paseo del Sol within the Presumptive City Limits and within Phase 2 of the City-initiated annexation. The property is zoned SC-1 (Planned Shopping Center). (Donna Wynant, case manager)

*Commissioner Mier moved to approve with staff conditions, second by Commissioner Lindell, motion carried by unanimous voice vote. 1 - Opposition: Commissioner Hughes.*

5. **Case #2009-97. Tierra Contenta Phase 2C Revised Final Plat and Dedication Plat.** David Thomas, agent for Tierra Contenta Corporation, requests final plat approval for 61.37± acres, consisting of 6 tracts for development totaling 32.73± acres, open space tracts totaling 24.89 acres, and road rights-of-way totaling 3.75± acres. This application includes variances to disturbance of slopes steeper than 30% and earthwork cut and fills slopes greater than 15 feet in height. The site is located on the west end of Tierra Contenta Master Plan Community, adjacent to NM 599, and is zoned PRC (Planned Residential Community). (Dan Esquibel, case manager).

*Tamara Baer: I need to start with a disclaimer. I am a member on the Board of Directors at Tierra Contenta. We did not discuss at the Board and it did not influence my decision.*

This case came before the Planning commission on 8/4/08 and 12/4/08, the final plat was approved for Phase 2C of Tierra Contenta on the latter date. However, certain circumstances have changed in the interim. The applicant, Tierra Contenta is before you this evening to ask for a revision of the previous approvals of final plat. The only change from the previous approval is the reflection of the changed road alignment because of the anticipated inter-change at 599. Where Jaguar previously dead ends and where the inter-change is now anticipated to be, the road alignment needed to change to meet at one point or the next. The proposed changes propose better connectivity to that proposed 599 interchange. Everyone is in favor of the interchange and this will provide an approved access.

Ms. Baer stated that there is some phasing that is not shown on the plat and she hopes that the applicant, Mr. Thomas will discuss the proposed phasing and that you will approve that phasing with your consideration. That is important because as the project moves forward, financial guarantees and the development will happen in phases. Staff does recommend approval and she requested that the commission look on the back side of the staff memo which indicates on the table indicates the changes such as they are or no changes as they were previously approved in 2008 and how this new proposal would change all those previous approvals. In most cases there are no changes at all. In some of the tracts they have either been increased or created by the new road alignment and the open space has increased and decreased, but mostly decreased. The staff had a number of conditions which have been met and the applicant met with John Romero, City Traffic Engineer to discuss specific conditions on the secondary roads; the applicant has changed their plans to satisfy this condition. They have also met with Land Use staff to show us as well. The new road alignment decreases the amount of disturbance of 30% slopes and we recommend approval of these changes and amended plans for Phase 2C.

**Swearing In: Mr. Nate Thomas – Project Engineer for Tierra Contenta, 6005 Jaguar Drive, Suite 105, Santa Fe, New Mexico**

We appreciate coming before you this evening, it is an unusual case but we feel that it is going to improve Tierra Contenta immeasurably. He introduced part of his team:

James Wheeler, Real Estate Broker  
Mr. Phil Sena  
Scott Heft, Planner  
Mike Gomez, Architect

This is a request for a re-approval of the plans that were approved in 2008 and since that time conditions have changed. The bad news is that the real estate business went down and this is the reason why the final plat that was approved never got recorded. We weren't able to sell property to make a financial guarantee to do these improvements. The good news is that we started working with representatives of the Pavilion Project on the west side of 599 adjacent to Tierra Contenta and they were interested in cooperating with us. We began that cooperative relationship back in the late summer of 2009. What the project does for Tierra Contenta, it is going to build that 599 interchange which is something we did not think was going to happen. The second thing it does is provide significant employment opportunities for people who live in Tierra Contenta which is something that was envisioned in the Master Plan all along. It also spurs interest in the Village commercial property which dominates Phase 2C. The Pavilion Project in conjunction with Tierra Contenta will help to provide housing for the workers in the big business park. The good news is with the imminent construction of the interchange at 599; it gave us an opportunity to pursue those who are interested in buying commercial property in Tierra Contenta. Mr. Thomas explained the different exhibits:

Figure 1: Tierra Contenta Master Plan as implemented October through last year shows the future connection of 599, Plaza Central extension and the Jaguar extension as approved in 2008.

Figure 2 - Park: The city is responsible for developing a park according to the Master Plan. The City has put out an RFP to do a master plan for that park. One of the things that this project does is it provides vehicle access down to that park area.

Figure 4: Takes you to the activity route.

What we are requesting as far as the staging is concerned is to build Jaguar Drive from where it ends now, which is point B and extend it to our property line at the 599 right-of-way and build Plaza Central (S) and loop around and connect with the traffic circle. That is Phase I. The road to activity node will be graded and that will not be completed until it is needed for the park or access to some of the properties to the south. It will be graded up to the FEMA 100 yr. flood zone. It behooves us to grade that for appearance purposes. We do want to let you know that we will provide some type of barricade so it doesn't give ready access to the ATV's.

Stage 2: Will include the paving of the park and extended only when it is needed. The recreational trails to the park will be completed when it is developed. The city has an RFP out for that activity park.

Figure 3: Shows the expansion of Jaguar Drive, Plaza Central and the connection to 599. That has been on the master plan for a long time, the interchange was established by Santa Fe By-Pass Project in 1986.

Figure 4: Illustrates the alignment that has been established to satisfy the traffic divisions concerns as compared to what had been submitted.

We have reviewed the conditions of staff and we have talked to them directly and we are prepared to accept all the conditions of approval.

**Swearing in: Mike Gomez: Engineer 1599 So. St. Francis Drive, for Santa Fe Engineering, Santa Fe, New Mexico**

Figure 4: This is the area that as planned by DOT is the perfect location for an underpass if you are at 599. The road that goes to the left is the road that is main access to the Santa Fe Airport. As you go right from Jaguar Road towards the interchange, there is a round about. Proceed to the east and tie it to the existing Jaguar at the pavement. To the south are the Arroyo de los Chamisos. To the north is the city of Santa Fe trunk line sewer that services Tierra Contenta, aerial overhead line, biggest land mark that shows you where the interchange. Right now we have been going through the DOT for approvals to go ahead and build the inter-change; it is under the DOT control. We have been going through the access control committee to get the documentation finalized. Plaza Central goes to the north and is part of the Tierra Contenta master plan.

Packet has a profile of that alignment (Fig. 5): Left side is NM599 and we are restricted by regulation as to how high the bridge has to be so big wheels can go under the bridge, that is the control point for 599 and there are no alternatives to lower 599.

Far right: Point B – that is the existing Tierra Contenta and there are no alternatives to change that elevation. We have to connect between the two; it is like a slice to the

existing ground. The grades of the roadway of a Mino arterial are set by code; we can't go to steep and we can't go to flat. In this case if we went too steep we could minimize the amount of fill in and we could minimize our variances. In a steep road, in inclement weather, it would be slippery connecting to the interchange. We are guided by these road grades. Many few people remember when 599 was built it was massive construction.

In order to make this project viable, we need to generate our dirt, make our fills so we don't have to import dirt or pass it through the development.

Impacts on slope analysis: Figure 6 shows the old plan. John was concerned that the road going to the south and to the park may be extended further to the south frontage road at 599. There is currently a corridor study by DOT of 599 and they are in phase B which is the detailed study; there may be recommendations to do that when the final plans come out of it. For a total area of 50% slope being disturbed is about 188,000 square feet.

Figure 7: New plan with roundabout. New plan is 169,000 sq. ft. or about 10,000 square feet less. This number includes the areas that had previously been granted variances in the original 2C development.

ENN material presented prior to the planning commission. We show the overall view with Paseo del Sol on the far right hand side and fire department, blue areas are what were previously approved as part of Phase 1C, red, is the area that we were discussing at the ENN for this realignment to take place.

Next one is an alternative: In accordance with the master plan of Tierra Contenta, a higher design speed, green areas of fill, brown areas of cut.

Alternative 2: Slope is down, tightened up the radius and pulled it away from the residential areas. It shows the amount of fill, the amount of areas to be cut and the 30%.

Alternative 3: The tightest slowest design speed we could get – went to 30% slopes to clear the arroyo and get away from the closest residences. Plaza Central to come in with good site entrance, we also looked at the ENN meeting to use the round about.

Alternative 4. The next figure shows what was actually submitted, the road to the south, had we gotten more traffic, we would have needed another signal that would have conflicted with the other signal.

We have taken a look at the soils, the geology at the site according to the soils it is gravelly. It is not material that is subject to high erosion. If this interchange is not constructed it will add more traffic to Airport Road and Cerrillos Road. There are portions of Agua Fria that can handle more traffic at 599.

#### Public Hearing:

Swearing in: Mr. Phil Sena- 4540 Contenta Ridge, Tierra Contenta, SFNM

I have worked with staff to get this done. I think the interchange will be super. My partner, Mr. Richard Cook is going to pay for design and build of this interchange. We are not asking for any money from you or any source of government. I fully support this development.

Close Public Hearing:

Commissioner Bordegaray: Question for Mr. John Romero - is what I heard is that Jaguar Drive and Plaza Central that was submitted in the summer, did I understand Mr. Gomez that this is what was requested by staff, the one that shows the intersection and the one that is being proposed tonight is the current proposal.

John Romero: This is what was submitted after staff reviewed it and I recommended the revised roundabout design.

Commissioner Hughes: Super Wal-Mart on one side and Mr. Richard Cook development on the other side. Mr. Thomas you're not paying for this interchange, is that right? Do you know what it costs?

Mr. Thomas: That is right. I could imagine it costs someplace between \$6 to \$10 million dollars.

Commissioner Hughes: That is coming out of the goodness of Richard Cook's heart to do this. Is this something that is vital to Tierra Contenta to have Wal-Mart across the way?

Mr. Thomas: I don't know that vital is the word, but if you go back to the 1994 master plan documents, they talk about the village commercial center at 599 and that was suppose to be a cash cow for Tierra Contenta to give us a bunch of money so we could move on into Phase III. We don't get any money from anyone other than those we sell land to. It was suppose to be a big cash influx when we sold this commercial property. The commercial property is not going to be valuable commercial property without the connection to 599. The 1994 documents when Tierra Contenta was established they said we could do a signalized intersection at 599. About 3-years later we looked at that and we didn't think that would be a good idea. We spoke to the Highway Department and others and basically we were told -- no you can't do a signalized intersection it had to be an interchange. We were prepared at that time a year ago to begin a master plan amendment to take that commercial property and move it someplace else or make it a residential property. It isn't very good residential property either because it is so close to 599 with the noise that is associated with 599. The way the market is right now you might say you might say that this Pavilion Project, the agreement that we have, the partnership that we have developed is critical. I don't know that it is vital but it is critical for Tierra Contenta's continued affordable housing.

Commissioner Hughes asked Ms. Baer, on page 2 of the summary, what are we asking for tonight? You are asking the Commission for about 10 different proposals here, is that correct?

Tamara Baer: We are not looking for specific approval of those various items; this was just a table provided to show you the changes that are going to be made based on this alignment. We are looking for re-approval of Phase 2C with a different road alignment and explaining to you how that new road alignment creates changes inside of the tracts from previous approvals. They were never recorded but the tracts that were approved

previously. The other main change is that Plaza Central would align with the road that would go to the south and to the park.

Commissioner Hughes: I guess what I'm trying to sort out is what is in the best interest of Tierra Contenta is one thing, but are we trying to slip a new one on the other side of the road that isn't going to be in the city. That is a big worry on my part and I would like to have a clear understanding.

Ms. Baer stated that the project that is on the land owned by Mr. Cook on the other side of 599 has submitted applications and it will be coming before the planning commission at the next meeting. Those applications include request for annexation of approximately 350 acres, rezoning and some sub division of those properties, future land use amendments.

Commissioner Hughes stated that he would feel more comfortable to table this until the next meeting when Mr. Cook comes before the Planning Commission

Tamara Baer: The 599 interchange will be approved by DOT, not by the city. The DOT is the one approving the interchange at 599 and it is proceeding on its own course separate from the approvals of whatever happens on the other side.

Commissioner Hughes: That's nice but I think Land Use has to approve land use changes, whoever pays for it; the state or a private owner. This is the body that approves land use changes and we should not be subject to financing the states whims with DOT leading, it is not right.

Mr. Romero: I don't think approving this pre-concludes any land uses. This interchange has been on the metropolitan transportation plan. It has been planned for, and in fact the City Council approved a resolution and directed staff to support the interchange, and to apply for an air space agreement regarding the overpass, of which we are doing. From a traffic stand point, it is a badly needed improvement. Some of the important points in the resolution were; 1) it provides a very good access to our airport which we do not have right now, we access through Aviation Drive. As that area develops creating any land development within the city portion, that access to the airport is too close to NM599. Right now all of the access is off of Airport Road with the exception of Jaguar Road. To Cerrillos Road. Next to Cerrillos Road and St. Francis Drive, our next worst intersection is Airport and Cerrillos Road. The reason is that everyone from Tierra Contenta who is trying to get to work downtown uses that outlet. We feel as well as the MPO model shows that this interchange will encourage a lot of Tierra Contenta traffic to use this bypass and support the intent of the bypass which is to relief traffic within the city. I believe that what is being proposed here is not a land use approval it is a subdivision and it is road connection consistent with the City's General Plan, the MPO's Master Transportation plan, consistent with an approved city council resolution as well as and consistent with the DOT plan. It is not just a DOT plan, it is a cohesive everyone on board cooperative plan.

Commissioner Hughes: I appreciate your comments and I am pleased to hear of the Airport connection and it does stand true that we would benefit to have a better connection to the airport. However, I am still not comfortable about any actions tonight



without taking into consideration the development on the other side. Even though we are not annexing that side of what is being built.

Tamara Baer: On a different subject, there is a large piece of land that is not in the city limits. The settlement agreement says that the city will not annex outside the presumptuous city limits for 20 years except if the Board of County Commissioners and the City Council approved such an annexation. The owners of that property have gotten approval from the Board of County Commissioners for that land to become part of the city, if it is approved, that will become part of the city.

Commissioner Mier: I understand fully where all this is going, but I do agree that from my perspective I would like to see the bigger picture as well. I think it would be most helpful; this is the first time I've had this information in front of me and I think the alignment for the airport is a marvelous idea. I know Mike does a great job and the traffic studies have been informative. I would like to see what is planned on the other side, how it will align with the airport. I would support that we delay this and see what the trends of the overall traffic. I support tabling until next month to see the bigger picture of what Mr. Cook proposes.

Commissioner Vigil: I agree but also have a question for the applicant. If the project across the way was not approved, would the developer still want to improve this roadway? This is a gateway to his project.

Mr. Thomas: The agreement that Tierra Contenta Corporation has with Mr. Cook has performance items such as the construction of the roadways into Tierra Contenta and the inter-change that are not connected with the approval of the interchange project.

Commissioner Lindell: Question for Mr. Thomas - With this amount of road work and development, it looks like a massive project. Tierra Contenta operates on a mission of affordable housing, how money wise spending that kind of money what that will do for the plus and minus of the commercial availability and how that in a course of time affects the cost of lots in Tierra Contenta. Is the model that a certain amount of money can be generated through the sale of commercial lots that the residential lots are not affected by this?

Mr. Thomas: The business plan for Tierra Contenta contemplated selling residential lots at below market rates in order to help us fulfill our mission of 40% of homes above the marking of 80% or less. We need to make up the difference between market rates of residential properties. What we need to do is sell enough land to build our infrastructure, keep our staff in tact in order to continue our mission. What we have done, the agreement that we have currently provides us with the funds that the infrastructure that we are proposing for approval tonight, gets paid for as part of the price of the land. Once again, we get no money from any entity except from the people who buy land from us. We have to spend that money for the spine infrastructure, such as Plaza Central, Jaguar Drive, 599, the water lines the sewer lines that help us sell larger portions of land to developers. Or in some cases we sub-divide some of those tracts of land and we sell on behalf of the individual owners or community housing trust or habitat for humanity. The only money we get is from land sales and we spend it as we get it.

Commissioner Armijo: The only question I have is the acreage changes from open space you lose 8 acres that becomes usable isn't there a requirement to have a certain amount of open space?

Mr. Thomas handed out a document. The entire master planned area of Tierra Contenta has a requirement of 326 acres of open space. I handed out a map of Tierra Contenta as it is. What the intent of that document is to show you we have already developed between 17 and 20 acres more open space more than what was required on that master plan map and that includes the deduction of this Phase 2C, so we are still about 17 acres ahead of what was anticipated in the master plan.

Commissioner Armijo: The reason I was asking because it became usable instead of open for sale purposes.

Mr. Thomas: The reason that large area is now turned usable, in order to generate the amount of work material to build those roads, we need to cut the top of that hill. Since it is being graded the thought was that it is not suitable for the open space we were looking for we decided to make it developable property. We wanted to make it developable property. 599/Jaguar an unusable piece of land, if it is connected at the south, the city wasn't interested in those 1.4 acres.

Commissioner Armijo: As long as you satisfy the open space requirement, I am ok, thank you. Tamara, you had said that in the next meeting about the other side, I thought that still needed approval, are they still waiting for annexation approval.

Tamara Baer: A number of cases are coming forward concurrently; the annexations are part of what you will be hearing next month. With the annexation is the request to change the general plan and future land use categories, in part because we don't show that in our general plan.

Commissioner Armijo: The city and the county have agreed on these properties?

Tamara Baer: The County has agreed. That was the first step that had to be accomplished and now they are coming forward for the city to consider it to agree or not agree. It will come to the city council. It would be a recommendation not an approval.

**Swearing In: Scott Heft, Santa Fe Planning Group, PO Box 2482, SFNM**

I would like to touch on some of the points that were brought up this evening. I am a representative for Mr. Richard Cook. I heard some good points that were brought up, I would like to say on the comment that if the other side of the road project would not get approved would the project go forward. Yes we have been approved based on the design. What has been presented this evening is the better design. Mike has worked on the roundabouts and making it smooth is a better design. What has been presented to you this evening is a better design. Secondly, the land use, there are no changes on the colors of this map, we are adjusting the plat lines. The other side of the road we have submitted for general plan amendment. Part of the site is already in the city of Santa Fe. We are coming before you with the request to annex the balance of our site. There is a big picture here, Jaguar Rd. is connecting into 599 and has been in the master plan for a long

time with an approved design in the master plan and with no changes to the usage. When we come forward on the other side which will be an extension of Jaguar Road to the airport we will improve access to the airport. We are requesting consideration of our commercial development to the south which is quite a distance from this site. We wanted to simplify this and not complicate it. Given what our attempt is this evening is the road alignment, it would behoove us to keep it as single as possible. Mike mentioned in his report that we have been dealing with access control at DOT. There was a comment earlier that Mr. Cook is doing this out of the goodness of his heart. In a way he is, his intent is to put people to work. The construction of Jaguar, although it may seem altruistic will be constructed with his employees, we are looking at it to keep it moving in the right direction. We are trying to keep a construction schedule by April or May of this year. I hope you can consider my comments.

Commissioner Bordegaray: When did the county approve the annexation?

Scott Heft: We went before the Board of County Commissioners in April, 2009. Essentially when we noticed the mistake that half of our site was in and half of the site was out of the city limits, our first step was to approach the two attorneys (County and City) and ask them how we should proceed. Their recommendation was that we go before the Board of County Commissioners in April and we asked for their permission to proceed to the city of Santa Fe for annexation.

Commissioner Bordegaray: I am glad to see an interchange planned for there. Basically because of my understanding for the years that I have been on the commission, is that last year and in 2008 there was not going to be a connection and you clarified earlier that there was not always going to be that grade of a connection and that it was the end of that dream and you were going to transfer the commercial property to somewhere else. Is that a correct characterization?

Mr. Thomas: Yes, we were in the process of doing a master plan amendment in order to do that. Then there was a sudden interest in our commercial property and we hope not to have to do a master plan amendment as we don't need to. Tierra Contenta has normally brought in phase subdivision plats and phase development plans. For Phase 2C we brought in a phase 2C plat, we did not bring in a development plan because we were not prepared to identify land uses on the tracts as we normally do. In my effort to explain why we are not doing land use designations forward, we don't think there is going to be an interchange here. We know that no one is going to buy this as commercial property so we look forward to a master plan including residential use. We were working with the city staff in trying to figure out how we accomplish our financial obligation to make a connection to 599 under the annexation agreement. The annexation agreement specifically says that connection is an at grade intersection not an interchange which is a whole lot less money. Some time down the road we can identify what is the dollar amount of that at grade intersection so we were prepared in our master plan amendment application, which we haven't made yet to take away the money from the 599 connection and move it to Beckner Road. That is my recollection.

Commissioner Bordegaray: I think we did not take action on the discussion.

Mr. Thomas: Now that you say that we did do a study session for the commission.

Commissioner Bordegaray: To further clear up how the MPO and the New Mexico DOT's role, John Romero, I understood back then that it was being studied but it was off in the future, an interchange. I am trying to reconcile this proposal tonight; it is news that this interchange is even a possibility. Could you describe, I understand and know we need an interchange but it seems like it has been on and off the books.

Mr. Romero: Commissioner Bordegaray members of the commission, that question makes a lot of sense. It was always a planned interchange including other interchanges on 599 that might not happen in our life time. The official intent is a prioritization plan for public funding. That is where the Jaguar interchange was at the bottom of the totem pole if not second to the last for public funding. So there are other interchanges – say if a private developer wished to come and build an interchange although at the bottom it is not allocated in any public funding. It was never intended – to give you an understanding of how the MPO works. The MPO has a master transportation plan – a bunch of intersections and materials that we anticipate building in the next 25 years with public funding and this one would not have made that map. But the MPO still wants to make a second map for 50 years so all these intended plans stay documented. That way 30 to 50 years from now our successors will know the intent of how the city was to be planned. So it never falls off the books.

Commissioner Bordegaray: When did that change?

Mr. Romero: It hasn't changed, it is still at the bottom for public funding, and it has not risen to the top. NM599 is an access control facility you can't just chop into access. You have to get approval from the Access Control Committee, which we are doing.

Commissioner Bordegaray: The proposed intersection at grade, DOT shot that down from specification standards.

Mr. Romero: When they shot it down they wanted more at grade intersections, now that we are doing the study we have verified that. We modeled 599 with the existing and future intersections at grade with signals. It deteriorated the intent of the relief route, it pushed a lot of traffic from the relief route back in to the city because no one wants to use it anymore. It became a 45 mph because of the signals we had to put in.

Mr. Scott: My colleague, Phil Sena and I thought we were just asking for a better alignment of Jaguar at Tierra Contenta. I think we may be trying to get a little bit too much in. The emphasis is to improve the alignment to the interchange that we are going through the process now for approval; we have one round for access control and we have another meeting in February, we are improving the Jaguar alignment based on the recommendation by John Romero.

John Romero: I have been involved in this process for the last 4 years. I wanted to emphasize that one reason it is at the bottom of the totem pole is because it is not there. All the ones that are at the top are the existing one, Co. Rd. 62, US 70, Airport, they are at the top because they are there and we need to fix them. This was the only reason it was at the bottom, it wasn't because it didn't have significant impact on city traffic, and it was because we have to fix the existing before we create new ones.

Chair Salazar: This is a big connection for the people that live in that area. I can't say what is behind the thinking of Mr. Cook. We have an opportunity to make a connection at 599 to Tierra Contenta. The intersection at Airport/Country Club Road is very congested, this will relieve the traffic. We have heard from John Romero that an at grade intersection even though the state doesn't want it, it is important to relieve traffic especially at night, this is not a safe roadway.

Commissioner Hughes: Would you be willing to go with everything except the SW side of the roundabout tonight?

Mr. Thomas: With the understanding that we might be back to ask for approval, yes.

Commissioner Hughes: I don't want to get into the intersection tonight until I know what is happening on the other side.

Mr. Thomas: Which branch are you talking about?

Commissioner Hughes: The part that connects to 599. I don't want to hold up any development at Tierra Contenta but I don't want to go ahead and approve an intersection without knowing what is going on the other side.

Tamara Baer: In your packets this evening, there is an exhibit to a previous report that was approved in 2008, there is a preliminary plat that this commission approved in 2008 and it shows that connection. All that you are doing this evening is changing the alignment of those roadways.

Mr. Thomas: It was approved with a final plat acknowledging that it would be a future connection with 599. What is being requested is a realignment of the roads of Plaza Central, Jaguar Road, 599 – and the only difference is the way the road connects at point A, B, C.

Tamara Baer: That final plat was approved on 12.4.08 but it was never recorded.

Commissioner Armijo: My concerns were heightened when I heard \$10 million dollars; there has to be an advantage to him on the other side. I don't think there should be any fear by us asking; is there a rush to judgment. It looks like a great idea, and someone dropping \$10 million to get across is going to be to his benefit. Is there a reason for us to rush to a decision now or do we want to delay for the purpose of seeing what is on the other side?

Mr. Gomez: Because of the topography, the cost is in the \$5 million not \$10 million. It does impact us as we need an alignment to tie into the bridge; if we don't have an alignment to tie into the bridge what good does it do to build a bridge. It is going to slow down our approvals through DOT.

***Commissioner Mier moved to table Case #2009-97. Tierra Contenta Phase 2C Revised Final Plat and Dedication Plat until next months agenda, second by Commissioner Hughes, motion carried by unanimous voice vote.***

***Objections:***

***Commissioner Armijo – No***

***Commissioner Bordegaray - No***

## **G. BUSINESS FROM THE FLOOR**

None

## **H. STAFF COMMUNICATION**

Looking to confirm a venue for March 4<sup>th</sup> date; this room will not be available. We are hoping to get a room at the Convention Center.

## **I. MATTERS FROM THE COMMISSION**

Commissioner Armijo: Why is it that this commission is not notified of these approvals when something is going to be approved by the county commission and coming forward to us?

Tamara Baer: It would come forward as the case review as a case coming before this commission.

Commissioner Armijo: I am talking about the annexation approvals that we have going on; the only way they can get additional approvals is if they go to the county board, correct?

Tamara Baer: Through the settlement agreement, they would have to get the county to agree for them to ask the city for approval. And that is what they did. So the next step would be for them to come forward and ask for the city approval.

Commissioner Armijo: So are they asking the city council or are they asking for our recommendation?

Tamara Baer: They are beginning with this body to request approval for annexation.

Commissioner Armijo:

This has caught us all off guard. If there is any way in the future for you to let us know in advance that a certain section has been approved by the Board of County Commissioners and that it might come to us, it might prevent a situation like tonight.

Tamara Baer: We will try to do this through staff communications. The Design Review Team is just starting to review internally; we don't have a report or recommendation at this time.

Commissioner Bordegaray: Under staff communications, I think we have asked for notice of appeals that happen at the city council level, just keep us informed.

Commissioner Mier: Some of us are reluctant to proceed; I would like to listen to the request from Mr. Cook prior to the hearing.

Commissioner Vigil: General Plan Amendment, Annexation and Re-zoning, we might not necessarily see a development plan.

Tamara Baer: There would be a master plan, more than conceptual, not quite at a site plan level. What they are asking for are two different rezoning, business and industrial park and rezoning at MIP, upper smaller portion in the city limits asking for C-2, looking for a hotel use to service the park, and the VIP doesn't allow hotels. We have talked internally about changing the whole VIP internally to include hotels.

Commissioner Hughes: Keep in mind the county adopted the set back.

Tamara Baer: They have a 300 foot setback from 599.

Commissioner Bordegaray: There was a lot of controversy about developable land along 599 when did they go from saying at grade intersections and lots of people wanted to develop their land commercially. This has pushed it, now I get it; this is where they can do the commercial development. I am not judging that but there are a lot of people in this town with vested interests and they still are who want to develop commercially along 599. I'm sure that Mr. Cook was right in there trying to develop commercially. So it's not like we just went back to the intent of making 599 as a bypass at that intersection. What does the future look like for 599 are we going to have to piece meal commercial; tell me, you are the planner? And to say that the state is going to spend the money to make all those intersections, that is what I heard tonight. We are going to go back and spend public money to build the overpasses; that is news to me. That changes a lot.

Tamara Baer: The state funding will go towards improving the interchanges on the list that are put the money into those that are on the list to make them safer. The state says we support these interchanges and if you are going to pay for it it makes it better.

Commissioner Bordegaray: Maybe I need to get more familiar with the changes of 599. This means we get development like we have all over the United States, you get hotels, commercial restaurants, right now 599 is a scenic route it is a WHIPP route, and I know there are a lot of people interested in commercial development. I totally want to see it connected and I don't have an opinion about Mr. Cook, but I'm thinking the incentive, we need clear provisions and hold the line.

Commissioner Vigil: Are you looking at the land use planning picture, I don't know how we can integrate what is happening at 599, he has been waiting for Komas, changing the master plan, we need to take into consideration what is happening – Komas is moving forward and we don't know where they are at. I agree with you, I am not opposed to realignment but at the same time I think we need to take into consideration what is out there. Hopefully in the future we can work with the County and their Land Use Department.

Tamara Baer: We have a master plan through the county. They have smaller parcels and not all of those will be subject to development review because they have the zoning and the lots already established.

## **J. ADJOURNMENT**

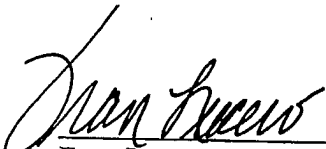
**There being no further business to come before the Santa Fe City Planning Commission, Commissioner Hughes moved to adjourn at 9:00 pm, second by Commissioner Vigil, motion carried by unanimous voice vote.**

## Signature Page

Signature:

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John Salazar, Chair



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Fran Lucero, Stenographer